

IN THE U.S. PATENT AND TRADEMARK OFFICE

February 10, 2004

Commissioner of Patents and Trademarks
Washington, D.C.
United States
20231

IN APPLICATIONS: **BIT HOLDER**
APPLICATION NO.: 10/076,481
FILING DATE: 02/19/2002
APPLICANT: BEAUCHAMP
PRIMARY EXAMINER: JAMES G. SMITH
OTHER EXAMINER:
ART UNIT: 3723
DOCKET NO.: 409P5

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FEB 20 2004

TECHNOLOGY CENTER

AFFIDAVIT OF PRIOR INVENTION UNDER
37 C.F.R. 1.131

I, FERN BEAUCHAMP make oath and say as follows:

I am the applicant in the above mentioned application and have received communication from the Examiner, namely James G. Smith, dated September 17, 2003, in which he has cited against our application, US Patent No.: 6,490,955 by Chang-Kao et al which was filed on April 16, 2001 and claims priority publication data under US 2002/0148332 of October 17, 2002 entitled Screw Driver Shank With A Universal Joint and was issued to Patent on December 10, 2002 under US Patent No.: 6,490,955.

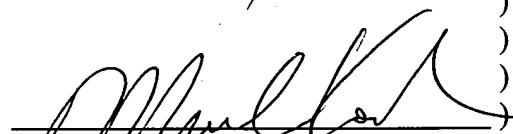
We hereby claim a prior invention date by virtue of our provisional patent application 60/243,751 filed October 30, 2000 which described and claimed similar, if not identical subject matter contained in our regular application 09/983,567 filed on October 25, 2001 which claimed continuing data from the provisional application 60/243,751 filed October 30, 2000. The present application is a continuation in part of 09/983,567.

Now shown to me and included as Exhibit "A" to this my affidavit is a copy of the filing receipt received from the United States Patent and Trademark Office indicating that our Provisional Application was filed on October 30, 2000 under application no.: 60/243,751. Now shown to me and attached as Exhibit "B" to this my Affidavit is a copy of the filing receipt received from the

United States Patent and Trademark Office of our regular application no.: 09/983,567 filed October 25, 2001 claiming continuation and priority from our provisional application 60/243,751 filed October 30, 2000.

Therefore, our filing date and date of invention is prior to that claimed by Chang-Kao et al in US patent no.: 6,490,955 and therefore this patent is not citable against our application.

SWORN BEFORE ME in the City of)
Hamilton, in the Province of Ontario,)
Canada)
this 10 day of Feb, 2004.)


Notary Public: Mark A. Koch)


FERN BEAUCHAMP